

## Message Text

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67

ACTION EB-11

INFO OCT-01 EUR-25 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

      DOTE-00 INR-10 NSAE-00 RSC-01 FAA-00 SS-20 NSC-07 L-03

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                    ----- 050262

R 112151Z APR 74

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC 3179

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E.O. 11652: N/A

TAGS: ETRN, CA

SUBJECT: CIVAIR: DESIGNATIONS UNDER NONSCHEDULED AIR  
          SERVICE AGREEMENT.

REF : STATE 068287

1. QUIRT (DIRECTOR, OPERATIONS BRANCH, AIR TRANSPORT COMMITTEE) HAS ADVISED NO MAJOR PROBLEMS READILY APPARENT WITH PROPOSED USG DESIGNATION PLANS EXCEPT FOR POINTS RAISED BELOW. ATC WOULD ISSUE CLASS 9-4 (INTERNATIONAL CHARTER COMMERCIAL AIR SERVICE) LICENSES, UPON INDIVIDUAL APPLICATION, TO DESIGNATED US CARRIERS IN MANNER WHICH WOULD REFLECT THE AGREEMENT.

2. QUIRT EXPRESSED HOPE THAT USG IN MAKING ITS DESIGNATIONS WILL SPECIFICALLY IDENTIFY TO GOC ALL CARRIERS WITH NAMES, ADDRESSES AND OTHER RELEVANT INFORMATION, RATHER THAN SIMPLY MAKE A GENERAL STATEMENT THAT ALL CARRIERS PRESENTLY HAVING RIGHT TO SERVE CANADA WITH NON-SCHEDULED SERVICES ARE DESIGNATED UNDER THE AGREEMENT. ATC CAN THEN SEND THEM INDIVIDUALLY INSTRUCTION FORMS TO FACILITATE THEIR APPLICATIONS FOR LICENSES.

3. WITH RESPECT TO US AIR TAXI OPERATIONS WITH SMALL  
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AIRCRAFT, ATC WILL ISSUE NEW LICENSES TO THE CARRIERS

REFLECTING THEIR RIGHT TO FLY FROM THE US TO ANY POINT IN CANADA. HOWEVER, IT INTENDS THAT LICENSES ISSUED PURSUANT TO THE AGREEMENT IN RESPECT TO OPERATIONS OUT OF CANADA, USING AIRCRAFT UP TO 18,000 POUNDS, WILL CONTINUE TO INCLUDE CONDITIONS WHICH CONFINE UPLIFT ORIGINATING IN CANADA TO TWO ADJACENT PROVINCES (THE MARITIMES TO BE CONSIDERED AS ONE PROVINCE).

4. QUIRT FURTHER NOTED THAT THE SMALL AIRCRAFT DESIGNATION COVERS VEHICLES UP TO 35,000 POUNDS. MANY US AIR TAXI OPERATORS ARE PRESENTLY FLYING SMALLER EQUIPMENT. HE ASKED IF THE US DESIGNATION WILL AUTOMATICALLY PERMIT THEM TO UPGRADE EQUIPMENT TO LARGER SIZES SUBJECT TO THE 35,000 POUND LIMITATION. (CANADIAN LICENSING PRACTICE INVOLVES RESTRICTIONS TO ONE OR MORE OF FOUR GROUPS WITH BREAK POINTS BETWEEN 0 AND 35,000 POUNDS AND AMENDMENT WOULD BE REQUIRED AS OPERATOR INTRODUCES LARGER SMALL AIRCRAFT.) TCO INDICATED HE BELIEVED THERE WOULD BE NO AMENDMENTS OF USG DESIGNATIONS AS OPERATORS UPGRADED THEIR EQUIPMENT WITHIN THE SMALL AIRCRAFT CLASSIFICATION.

5. GOC IN ITS TURN INTENDS TO DESIGNATE UNDER THE AGREEMENT ALL CANADIAN HOLDERS OF CLASS 9-4 LICENSES TO FUNCTION TO THE EXTENT OF THEIR AUTHORITY (I.E., TO OPERATE AIRCRAFT OF GIVEN SIZES AND WITHIN THE FRAMEWORK OF PRESENT GOC RESTRICTIONS ON THEM). GOC WILL PROVIDE A LIST OF ALL CARRIERS IT IS SO DESIGNATING. SHOULD DEPT WISH TO REVIEW THIS LIST NOW IT MAY REFER TO PART I OF THE CTC DIRECTORY OF CANADIAN COMMERCIAL AIR SERVICES WHICH CONTAINS AN ALPHABETICAL LIST OF CARRIERS AND INDICATES IF THEY HAVE 9-4 LICENSES.

6. IN COURSE OF CONVERSATION IT DEVELOPED QUIRT NOT AWARE SPECIFIC SIGNING DATE FOR AGREEMENTS WAS BEING DISCUSSED. HE EXPRESSED SOME CONCERN THAT ALL REVISIONS OF ATC REGULATIONS REQUIRED UNDER THE AGREEMENT MIGHT NOT BE EFFECTED BY MAY 8. HE EMPHASIZED THAT THERE WAS NO SUBSTANTIVE QUESTION INVOLVED; CHANGES IN THE REGULATIONS TO CONFORM TO THE AGREEMENT WOULD LIMITED OFFICIAL USE

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RPT WOULD BE MADE. HOWEVER, ILLNESS OF A KEY CTC LAWYER HAD CAUSED THE STAFF WORK TO BE DELAYED; AND CHANGES IN THE REGULATIONS WILL HAVE TO BE APPROVED NOT ONLY BY THE ATC, BUT ALSO BY THE CTC, THE JUSTICE DEPARTMENT AND THE PRIVY COUNCIL AFTER COMPLETION OF STAFF WORK. THE ROLE OF THESE LATTER BODIES SHOULD BE FORMAL AND PERFUNCTORY, BUT OPPORTUNITIES FOR DELAY ARE PRESENT. DEPARTMENT'S GUIDANCE DESIRED

AS TO HOW IMPORTANT IT IS TO HAVE THESE CHANGES  
EFFECTED BY DATE AGREEMENTS ARE SIGNED SO THAT WE  
MAY MAKE APPROPRIATE REPRESENTATIONS TO EXTAFF IF  
NECESSARY. IF REPRESENTATIONS ARE DESIRED, THE  
RELEVANT ATC REGULATIONS SHOULD BE IDENTIFIED  
PRECISELY.  
PORTER

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## Message Attributes

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**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** TREATY SIGNATURE, SUPPLEMENTAL AIRLINES, LICENSES  
**Control Number:** n/a  
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**Disposition Approved on Date:**  
**Disposition Authority:** garlanwa  
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**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
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